

**ORDINANCE NO. 1304**

**AN ORDINANCE ADDING  
CHAPTER 8.72 REGARDING SOCIAL HOST PROVISIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTERVILLE, IOWA:**

**Section 1.** Purpose.

The purpose of this Ordinance is to prohibit the consumption of alcoholic beverages by persons under the age of 21 and to prohibit gatherings where persons knowingly allow or permit the underage drinking of alcoholic beverages to occur on property they own or control. This ordinance will establish penalties for persons who knowingly permit or allow underage drinking and will encourage those persons to ensure that those activities are not occurring on premises under their control.

**Section 2.**

The following is added as Chapter 8.72 of the Centerville Municipal Code:

Chapter 8.72

Social Host Provisions

Sections:

- 8.72.010 Definitions
- 8.72.020 Prohibited Acts and Affirmative Defense
- 8.72.030 Exceptions
- 8.72.040 Penalties

8.72.010 Definitions. For use in this chapter, the following terms are defined:

(a) "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer as specified in Iowa Code 123.3.

(b) "Emergency Responders" means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.

(c) "Enforcement Services" means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party, administrative costs attributable to the incident, the actual costs for medical treatment for any injured emergency responder, and the costs of repairing any damage to equipment or vehicles.

(d) "Event, gathering, or party" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(e) "Juvenile" means a person under the age of 18.

- (f) "Legal Age" means 21 years of age or more.
- (g) "Parent" means any person having legal custody of a juvenile (a) as a natural parent, adoptive parent or stepparent, (b) as a legal guardian, or (c) as a person to whom legal custody has been given by order of the court.
- (h) "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, hall or meeting room, park, or any other place of assembly, whether public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.
- (i) "Public Place" means any place, building, or conveyance to which the public has or is permitted access
- (j) "Social Host" means any person, partnership, corporation, or association of one or more individuals who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering, or party on any premises under the control of the social host. The term "Social Host" includes but is not limited to (a) the person(s) who owns, rents, leases or otherwise has control of any premises where the event, gathering or party takes place, (b) the person in charge of the premises, or (c) the person(s) who organized the event, gathering, or party.
- (k) "Underage person" means any individual under the age of 21.

8.72.020 Prohibited Acts and Affirmative Defense.

(a) It is unlawful for any social host who knows or reasonably should know of underage persons consuming or possessing alcoholic beverages at an event, gathering, or party to permit or allow underage persons to consume or possess alcoholic beverages on any premises controlled by such social host, whether or not the social host is present on the premises.

(b) A social host has an affirmative defense if the social host took reasonable steps to prevent consumption of alcohol by underage persons by:

(1) Controlling underage persons' access to alcoholic beverages,

(2) Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting drivers' licenses or other government issued identification cards,

(3) Supervising the activities of underage persons at the party, and/or

(4) Notifying law enforcement when the host knows or reasonably should know that an underage person has consumed or possesses an alcoholic beverage and allowing law enforcement to enter the premises for the purpose of stopping the illegal activities.

(c) If a social host in violation of this chapter is a juvenile and the parent(s) are present on the premises at the time of the violation, the parent(s) of such juvenile shall also be in violation of this chapter.

8.72.030 Exceptions and Penalties.

(a) This chapter does not apply to actions permitted under Iowa Code 123.47(2), or to legally protected religious observances, or to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

(b) The exceptions outlined herein shall not apply under circumstances in which the underage person leaves the home, religious gathering, or place of employment and subsequently violates Iowa Code 123.46(2) regarding consumption or intoxication in public places.

(c) In addition to penalties under Chapter 1.24, the City may seek reimbursement for enforcement services provided by emergency responders related to the event, gathering or party. Violations of this chapter may also be considered by the City for purposes of approving licenses applied for by the social host or for any other requirements that are subject to approval by the City."

**Section 4. Repealer**

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

**Section 5. Savings Clause**

If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

**Section 6.** This ordinance shall become effective upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** this 7<sup>th</sup> day of October, 2013.

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Jan Spurgeon, Mayor

ATTEST:

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Patrick Antonen, City Clerk